IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6727 OF 2007

Smt. Sunita S. Gupta .... Petitioner

versus

State of Maharashtra & ors..... Respondent.

Smt P.P. Bhosale for the petitioner.
Mr. Mukesh V. Aiye for respondent no.4.

CORAM; A.P. DESHPANDE, J.
DATED; 13TH SEPTEMBER, 2007

P.C. ;

1. The present petitioner was alloted a ration shop by Controller of Rationing. The Controller of Rationing has found the application of the present petitioner so also respondent no.4 to be worthy of consideration, and chose to grant the shop to the present petitioner. Aggreived by the said grant in favour of the petitioner, the respondent no.4 filed a revision before the State Government. The State Government has reversed the decision of the Contorller of rationing and granted the ration shop to respondent no.4. It is this order passed by the State Government, which is challenged by filing the present petition.

2. The main bone of contention raised by respondent no.4 before the State Government was to the effect that the present petitioner is not eligible for being granted a ration shop for the reason that there is already a ration shop granted in the family of the petitioner in as much as it is undisputed that the father-in-law of the petitioner has been alloted a ration shop. The said admission is reflected in para 10 of the rejoinder filed by the petitioner. The Government Resolution dated 30-3-1998 and the clarification thereto issued by a Government order dated 1-7-1999 clearly provide that daughter-in-law and father-in-law constitutes members of the same family. Though the State Government had allowed the revision filed by the respondent no.4, the objection raised against the petitioner by the respondent no.4 about she not being eligible, has not been dealt with and considered by the State Government. Be it as it may, the petitioner has suppressed this fact by its non-disclosure in the petition and thus the petiitoner is guilty of suppression of material facts.

3. Perused the order passed by the State Govenment. The same does not call for any interference. More so, the petitioner has not approached the court with clean hands. In the result the petition is summarily dismissed.

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